

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed August 13, 2004. In order to advance prosecution of the present Application, Claims 1, 4, 8-10, 12, 15, 21, 23, 24, and 26 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Abstract stands objected to under M.P.E.P. §608.01(b) for undue length. The Abstract has been amended to fall within the word count requirements. Therefore, Applicant respectfully submits that the Abstract is in accordance with M.P.E.P. §608.01(b). For the convenience of the Examiner, attached herewith is a clean version of the new Abstract.

Claims 1-3, 6, 11, 21, 22, 25, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Downey, et al. in view of Ishizu, et al. Independent Claims 1, 21, and 26 recite in general an ability to perform equalization on an identification portion of the presumed access signal and comparing a received sequence of bits carried by the identification portion of the presumed access signal to a reference sequence of bits . . ." By contrast, neither the Downey, et al. nor Ishizu, et al. patents perform equalization on an identification portion of an access signal and then compare the equalized sequence of bits as provided by the claimed invention. Support for the above recitation can be found at page 9, lines 10-13, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1-3, 6, 11, 21, 22, 25, and 26 are patentably distinct from the proposed Downey, et al. - Ishizu, et al. combination.

Claims 7 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Downey, et al. in view of Ishizu, et al. and further in view of Dehner, Jr., et al. Independent Claims 1 and 21, from which Claims 7 and 22 depend, have been

shown to be patentably distinct from the proposed Downey, et al. - Ishizu, et al. combination. Moreover, the Dehner, Jr., et al. patent does not include any additional disclosure combinable with either the Downey, et al. patent or the Ishizu, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 7 and 22 are patentably distinct from the proposed Downey, et al. - Ishizu, et al. - Dehner, Jr., et al. combination.

Applicant notes with appreciation the allowance of Claims 16-20.

Applicant notes with appreciation the allowability of Claims 4, 5, 8-10, 12-15, 23, and 24 if amended into appropriate independent form. Claims 4, 8-10, 12, 15, 23, and 24 have been amended into independent form as suggested by the Examiner. Therefore, Applicant respectfully submits that Claims 4, 5, 8-10, 12-15, 23, and 24 are in condition for allowance.

With the presentation of eight new independent claims, an additional filing fee is due. Attached herewith is a check made payable to the "Commissioner of Patents and Trademarks" in an amount of \$704.00 to satisfy the excess independent claims fee of 37 C.F.R. §1.16(b).

Applicant notes that the examiner has not provided an indication that all of the documents cited in the Information Disclosure Statement of April 2, 2001 have been considered during the examination of the Application. Applicant respectfully requests the Examiner to provide the appropriate indication that all of the documents cited therein have been considered.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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